

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 040236PC		FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/SE2004/000583	International filing date (day/month/year) 12.04.2004	Priority date (day/month/year) 12.04.2003	
International Patent Classification (IPC) or national classification and IPC A01N 43/60, 25/34, 25/02, 25/08			
Applicant Organox AB et al			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand 11.11.2004	Date of completion of this report 28.06.2005
Name and mailing address of the IPEA/SE Patent- och registreringsverket Box 5055 S-102 42 STOCKHOLM Facsimile No. +46 8 667 72 88	Authorized officer Solveig Gustavsson/ELY Telephone No. +46 8 782 25 00

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/SE2004/000583

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☒ the international application as originally filed/furnished
- ☐ the description:
- pages _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the claims:
- pages _____ as originally filed/furnished
- pages* _____ as amended (together with any statement) under Article 19
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the drawings:
- pages _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/SE2004/000583

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>2, 5</u>	YES
	Claims	<u>1, 3, 4</u>	NO
Inventive step (IS)	Claims	<u>2</u>	YES
	Claims	<u>1, 3-5</u>	NO
Industrial applicability (IA)	Claims	<u>1-5</u>	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

Cited documents:

- D1) WO 9937152 A1
D2) STN International, File CAPLUS, AN 1991:652102,
DN 115:252102, Zeitschrift für Naturforschung, C:
Journal of Biosciences, 1991, 46 (7-8), 579-84
D3) International, File CAPLUS, AN 1982:159586,
DN 96:159586, Insect Biochemistry, 1981, 11 (5), 493-9
D4) WO 8505009 A1 (see page 6. lines 10-21, the examples
and the claims)
D5) WO 9404027 A1 (see page 3 lines 16-24, page 5 lines
2-37, the claims)

The problem to be solved is that of keeping vermins, and especially moles, away from your property by using repellent compositions. The compound 2-isopropyl-3-methoxy-pyrazine is used as the repellent.

Claims 3 and 4 are directed to compositions containing 2-isopropyl-3-methoxypyrazine. Such compositions are known from D1. Consequently, claims 3 and 4 lack novelty, as well as inventive step.

From D2 and D3 2-isopropyl-3-methoxypyrazine is known as an insect repellent. Therefore, claims 1, 3 and 4 lack novelty, as well as inventive step.

D4 show repellent compositions for vermins comprising latex that have been impregnated with wormwood oil. The invention of

.../...

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: BOX V

present claim 5 differs from what is known from D4 only in that 2-isopropyl-3-methoxypyrazine is used instead of wormwood oil.

To exchange a known repellent (wormwood oil) for another known repellent (2-isopropyl-3-methoxypyrazine), (see D1-D3), is obvious for a man skilled in the art.

Thus, claim 5 is considered to fulfil the requirement of novelty, but not that of inventive step.

The use of 2-isopropyl-3-methoxypyrazine specifically as repellent for moles is not known from the cited documents.

As the applicant has shown that the substance has a repellent effect on moles, claim 2 is considered to fulfil the requirements of novelty, inventive step and industrial applicability.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/SE 2004/000583

A. CLASSIFICATION OF SUBJECT MATTER

IPC7: A01N 43/60, A01N 25/34, A01N 25/02, A01N 25/08
According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC7: A01N

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

SE,DK,FI,NO classes as above

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

CHEM ABS DATA, WPI DATA, EPO-INTERNAL

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 9937152 A1 (ROTHAM-STED EXPERIMENTAL STATION), 29 July 1999 (29.07.1999) --	3-5
X	STN International, file CAPLUS, CAPLUS accession no. 1982:159586, Document no. 96:159586, Moore, B.P. et al: "Identification of warning odor components, bitter principles and antifeedants in an aposematic beetle: Metriorrhynchus rhipidius (Coleoptera: Lycidae)"; & Insect Biochemistry (1981), 11(5), 493-9 --	1,3-5

☒ Further documents are listed in the continuation of Box C. ☒ See patent family annex.

* Special categories of cited documents:	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"A" document defining the general state of the art which is not considered to be of particular relevance	"X" document of particular relevance: the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"E" earlier application or patent but published on or after the international filing date	"Y" document of particular relevance: the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"&" document member of the same patent family
"O" document referring to an oral disclosure, use, exhibition or other means	
"P" document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search 2 August 2004	Date of mailing of the international search report 03 -08- 2004
Name and mailing address of the ISA/ Swedish Patent Office Box 5055, S-102 42 STOCKHOLM Facsimile No. +46 8 666 02 86	Authorized officer Solveig Gustavsson/Els Telephone No. +46 8 782 25 00

INTERNATIONAL SEARCH REPORT

International application No.

PCT/SE 2004/000583

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	STN International, file CAPLUS, CAPLUS accession no. 1991:652102, Document no. 115:252102, Bestmann, H.J. et al: "Plant insecticides. 9. Volatile constituents from <i>Crotalaria ochroleuca</i> and their effect on pest insects"; & Zeitschrift fuer Naturforschung, C: Journal of Biosciences (1991), 46(7-8), 579-84 --	1,3-5
A	WO 8505009 A1 (SOUTHWEST RESEARCH INSTITUTE), 21 November 1985 (21.11.1985), page 6, line 10 - line 21, the examples, the claims --	1-5
A	WO 9404027 A1 (NORTECH FOREST PRODUCTS, INC.), 3 March 1994 (03.03.1994), page 3, line 16 - line 24; page 5, line 2 - line 37, the claims -- -----	1-5

INTERNATIONAL SEARCH REPORT
Information on patent family members

03/07/2004

International application No.
PCT/SE 2004/000583

WO	9937152	A1	29/07/1999	AU	726275 B	02/11/2000
				AU	2431899 A	09/08/1999
				AU	8029198 A	30/12/1998
				CA	2288858 A	17/12/1998
				DE	69804962 D,T	14/11/2002
				EP	0989966 A,B	05/04/2000
				GB	9801712 D	00/00/0000
				US	6337107 B	08/01/2002

WO	8505009	A1	21/11/1985	AU	568019 B	10/12/1987
				AU	4351085 A	28/11/1985
				BR	8506710 A	23/09/1986
				DK	4386 A	06/01/1986
				EP	0179897 A	07/05/1986
				FI	76913 B,C	30/09/1988
				FI	853335 A	08/11/1985
				JP	61502057 T	18/09/1986
				MC	1748 A	24/04/1987
				NO	854863 A	03/12/1985

WO	9404027	A1	03/03/1994	AU	4783893 A	15/03/1994
				CA	2096558 A	26/02/1994
				CA	2143327 A	03/03/1994